

PROOF OF SERVICE

I, Summer Rogers, declare:

I am a citizen of the United States and am employed in Alameda County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 1111 Broadway, 24th Floor, Oakland, California 94607-4036. On June 23, 2008, I served a copy of the within document(s):

**AMENDED NOTICE OF MOTION AND MOTION TO DISMISS
PURSUANT TO FED. R. CIV. P. 12(b)(6); AND IN THE ALTERNATIVE,
MOTION FOR SUMMARY JUDGMENT PURSUANT TO FED. R. CIV. P.
56(c)**

**NOTICE OF MOTION AND MOTION TO DISMISS PURSUANT TO
FED. R. CIV. P. 12(b)(6); AND IN THE ALTERNATIVE, MOTION FOR
SUMMARY JUDGMENT PURSUANT TO FED. R. CIV. P. 56(c)**

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(b)(6); AND IN
THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT
PURSUANT TO FED. R. CIV. P. 56(c)**

**DECLARATION OF GISHELA PORTUGAL IN SUPPORT OF MOTION
TO DISMISS PURSUANT TO FED. R. CIV. P. 12(b)(6); AND IN THE
ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT PURSUANT
TO FED. R. CIV. P. 56(c)**

**DECLARATION OF KURT C. WENDLENNER IN SUPPORT OF
MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(b)(6); AND IN
THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT
PURSUANT TO FED. R. CIV. P. 56(c)**

**[PROPOSED] ORDER GRANTING MOTION FOR SUMMARY
JUDGMENT PURSUANT TO FED. R. CIV. P. 56(c)**

**[PROPOSED] ORDER GRANTING MOTION TO DISMISS PURSUANT
TO FED. R. CIV. P. 12(b)(6)**

☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. The facsimile machine I used complied with California Rules of the Court, Rule 2003, and no error was reported by the machine. Pursuant to California Rules of the Court, Rule 2006(d), I caused the machine to print a transmission record of the transmission, a copy of which is attached to this Proof of Service.

1 ☒ at my business address identified above by placing the document(s) listed above in a sealed
2 envelope with postage thereon fully prepaid, and by placing the envelope, addressed as set
3 forth below, for deposit in the United States Postal Service that same day in the ordinary
4 course of business. I am readily familiar with the firm's practice of collection and
5 processing correspondence for mailing. Under that practice it would be deposited with the
6 U.S. Postal Service on the same day with postage thereon fully prepaid in the ordinary
7 course of business. I am aware that on motion of the party served, service is presumed
8 invalid if postal cancellation date or postage meter date is more than one day after date of
9 deposit for mailing in affidavit.

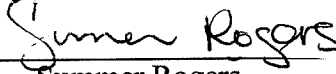
10 ☐ by placing the document(s) listed above in a sealed UPS envelope with overnight deliver
11 fees paid or provided for, addressed to the person(s) on whom it is to be served, at the
12 address(es) set forth below, and causing the envelope to be delivered that same date to a
13 UPS courier or driver authorized by the express service carrier to receive documents for
14 delivery.

15 ☐ by personally delivering true and correct copies of the document(s) listed above in a sealed
16 envelope, addressed to the person(s) at the address(es) set forth below, by leaving the
17 envelope, which was clearly labeled to identify the attorney(es) being served, with the
18 receptionist or other person apparently in charge at the address(es) set forth below.

19 ☒ See attached service list

20 ☒ I declare under penalty of perjury under the laws of the United States of America that the
21 foregoing is true and correct.

22 Executed on June 23, 2008, at Oakland, California.

23 
24 Summer Rogers

Service List

Terry Brown
915 E. 21st Street
Oakland, CA 94606
(510) 967-6872

Plaintiff in Pro Per

Wendel, Rosen, Black & Dean LLP
1111 Broadway, 24th Floor
Oakland, CA 94607-4036